

REMARKS

Claims 27, 29, 31-33, 35-40, 44, 48-52, 54, 56-64, 67 and 71-76 are currently pending in this application. Claims 27 and 52 are amended herein. Claims 1-26, 28, 30, 34, 41-43, 45-47, 53, 55, 65, 66 and 68-70 were previously cancelled without prejudice or disclaimer as to the subject matter of the cancelled claims. Applicant respectfully reserves the right to prosecute the subject matter of the cancelled claims in one or more continuation or divisional applications.

Rejections

Rejections under 35 U.S.C. § 112, 1st paragraph

Claims 27, 29, 31, 33, 35-40, 44, 48-52, 54, 56-64, 67 and 71-76 were rejected under 35 U.S.C. § 112, 1st paragraph, as allegedly lacking adequate written description support for the claimed hydrogel containing acrylamide “or” methylene bis-acrylamide. This rejection is made based on the change of the word “and” to “or” in both independent claims.

This rejection is obviated as both independent claims 27 and 52 are amended herein to change “acrylamide or methylene-bis-acrylamide” to “acrylamide and methylene-bis-acrylamide” Withdrawal of this rejection is respectfully requested.

The Office Action also indicates that there is an issue with a Terminal Disclaimer filed in this application and that correction is required. In response thereto, Applicants respectfully note that the Terminal Disclaimers submitted on May 27, 2008 and on May 24, 2004 were all accepted. See attached approval notices contained in the PAIR records for this application. This included acceptance of a Terminal Disclaimer over the 09/938,670 application (recently allowed). Therefore, the Terminal Disclaimer submitted on October 10, 2007 is irrelevant as Applicants believe that all required Terminal Disclaimers to overcome provisional and non-provisional double patenting rejections have been filed and accepted by the PTO.

As these are the only outstanding issues this application should be in condition for allowance.

CONCLUSION

An indication of allowance of all claims is respectfully solicited. Early notification of a favorable consideration is respectfully requested.

In the event any outstanding issues remain, Applicant would appreciate the courtesy of a telephone call to Applicant's undersigned representative to resolve such issues in an expeditious manner.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **50-0206**.

Respectfully submitted,

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Date: November 9, 2009

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Application Number 	Application/Control No. 09/938,669	Applicant(s)/Patent under Reexamination PETERSEN, JENS
Document Code - DISQ		Internal Document – DO NOT MAIL


TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : 5/25/04	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
vbh (9/938,667)

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